

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**ELIAH VAN HOUDT,**

Petitioner,

v.

Civil Action No. **3:24CV52 (RCY)**

**UNKNOWN,**

Respondent.

**MEMORANDUM OPINION**

Petitioner,<sup>1</sup> a Virginia inmate proceeding *pro se*, filed a letter in which he asks to appeal a sentence he received from the Gloucester Circuit Court. (ECF No. 1, at 1.) By Memorandum Order entered on February 6, 2024, the Court explained that Petitioner cannot appeal the decision of a state circuit court to this federal court. Nevertheless, given the content of this letter, the Court found it appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See Rivenbark v. Virginia*, 305 F. App'x 144, 145 (4th Cir. 2008). The Clerk sent Petitioner a standard form for filing a § 2254 petition. The Court explained that if Petitioner wishes to proceed pursuant to 28 U.S.C. § 2254, he must file a petition for a writ of habeas corpus on the proper forms within twenty (20) days of the date of entry hereof.

On March 19, 2024, the United States Postal Service returned the February 6, 2024 Memorandum Order to the Court marked, “RETURN TO SENDER,” and “INMATE RELEASED.” (ECF No. 3, at 1.) Since that date, Plaintiff has not contacted the Court to provide a current address. Plaintiff’s failure to contact the Court and provide a current address indicates


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<sup>1</sup> The Clerk docketed this as a civil action pursuant to 42 U.S.C. § 1983. By Memorandum Order entered on February 6, 2024, the Court explained that if Petitioner returned the § 2254 petition form, the Clerk would be directed to update the docket to reflect that this is a habeas action.

his lack of interest in prosecuting this action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order shall issue.

Date: March 28, 2024  
Richmond, Virginia

  
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Roderick C. Young  
United States District Judge